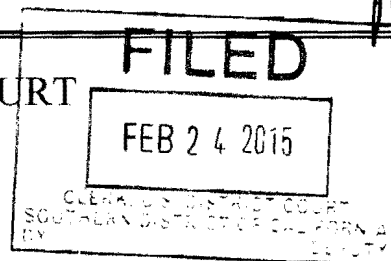


AO 106 (Rev. 01/09) Application for a Search Warrant

UNITED STATES DISTRICT COURT

for the
Southern District of California

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Google, Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Case No.

'15 MJ 0618

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Northern District of California (identify the person or describe property to be searched and give its location): see Attachment A

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized): see Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. § 1591, and the application is based on these facts: See attached affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Eric Parsons, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 2/24/15

Judge's signature

City and state: San Diego, CA

Hon. Bernard G. Skomal, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

I, Special Agent Eric A. Parsons, upon being duly sworn do hereby state that the following is true to my knowledge and belief:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since March of 1998. From July of 1998 until April of 2005, I was assigned to the FBI's San Antonio Division, Brownsville Resident Agency, where I obtained experience working a variety of federal investigations including white collar, drug, and violent crime investigations. In April of 2005, I was transferred to the San Diego Division of the FBI, and worked alien smuggling, health care fraud, and public corruption investigations until February of 2014, when I was assigned to investigate cases involving the sexual exploitation of children, to include various illicit commercial sex activities, including sex trafficking and enticement of minors to engage in prostitution. From February of 2014 to February of 2015 I was a part of the Innocence Lost Task Force, which is an FBI led task force that investigates child human trafficking offenses. I also have experience in obtaining and executing arrest and search warrants. I am a law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered to investigate and make arrests for violations of U.S. criminal laws. As part of my current duties, I investigate criminal violations relating to human trafficking and other criminal violations including Title 18, United States Code § 1591 [sex trafficking of children or by force, fraud or coercion].

2. This affidavit is offered in support of an application by the United States of

1 America for a search warrant for Google, Inc. I seek authority to search Google,
2 Inc. (Google) located as described in Attachment "A", for the following email
3 accounts as described in Attachment "B", paragraph II: lutherray5@gmail.com,
4 lutherray9@gmail.com, and rayluther9@gmail.com from May 30, 2014 to
5 February 11, 2015, for items which constitute evidence, fruits, and
6 instrumentalities of violations of federal criminal law, namely, Title 18, United
7 States Code § 1591 [sex trafficking of children or by force, fraud or coercion].
8

9
10 3. This affidavit is based upon information I have gained through training and
11 experience, as well as upon information related to me by other individuals,
12 including law enforcement officers. Since this affidavit is being submitted for the
13 limited purpose of securing a search warrant, I have not included each and every
14 fact known concerning this investigation but have set forth only the facts that I
15 believe are necessary to establish probable cause to believe that evidence relating
16 to violations of Title 18, United States Code § 1591 [sex trafficking of children or
17 by force, fraud or coercion], described in Attachment B, is located at the address
18 described in Attachment A.
19

20
21 4. Based upon the following information, I believe there is probable cause to
22 believe that currently located within the above-described location (See Attachment
23 "A") there is evidence, fruits and instrumentalities of sex trafficking, in violation
24 of Title 18, United States Code § 1591 [sex trafficking of children or by force,
25 fraud or coercion], more particularly described in Attachment B.
26
27
28
29

STATEMENT OF PROBABLE CAUSE

1
2
3 5. In December of 2014, the San Diego Police Department (SDPD) received
4 information regarding a seventeen year old female (hereafter referred to as "MF"
5 for minor female) who was potentially a victim of commercial sexual
6 exploitation. MF was interviewed by investigators on December 12, 2014 and
7 January 7, 2015. MF advised that she was trafficked for the purpose of
8 prostitution by Luther Gene RAY and Jasmine HORTON between July 2014 and
9 September 2014 (at which time MF was 16 years old). MF stated that HORTON
10 provided MF with clothes, took pictures of MF, and taught MF how to work as a
11 prostitute for RAY. MF stated that she traveled with RAY and HORTON to the
12 Orange County, CA and Los Angeles, CA areas for the purposes of prostitution.
13 MF stated that she worked the streets and they also posted on-line escort
14 advertisements on Backpage.com (Backpage). MF stated that she provided the
15 proceeds from her prostitution activities to RAY. MF also stated that she and
16 RAY had sex on at least one occasion.
17
18

19
20 6. MF stated that RAY provided her with a cellular telephone, telephone
21 number 760-██████1630, that was used to communicate with RAY and HORTON,
22 and was used as a contact number in some of the Backpage advertisements. MF
23 stated that RAY utilized telephone number 760-██████-7521, and that she had
24 communicated with RAY on this phone. MF stated that HORTON utilized
25 telephone number 760-██████-8708, and she had communicated with HORTON on
26 this phone.
27
28
29

1 7. The FBI served two subpoenas on Backpage requesting information
2 associated with multiple telephone numbers and Post IDs. Backpage provided
3 numerous escort advertisements and related account information, including
4 approximately nine advertisements that contained photographs of MF. Two of the
5 advertisements that contained photographs of MF listed telephone number 760-
6 [REDACTED] 8708 (Horton's phone) as a contact number. Eight of the advertisements that
7 contained photographs of MF listed telephone number 760-[REDACTED] 1630 (MF's
8 phone) as a contact number. Telephone number 760-[REDACTED] 7521 was not listed in
9 any of the advertisements. Backpage produced a total of approximately twenty-
10 two advertisements registered under the email address jazzyjbh@yahoo.com.
11 Eight of the nine advertisements that contained photographs of MF were registered
12 under the email address jazzyjbh@yahoo.com. Several of the advertisements
13 received from Backpage are described further in the following paragraphs.
14

15
16 8. Backpage advertisement Post ID 43639455 dated July 29, 2014 from the
17 Orange County Escorts section included the following title, "Sexy and Exotic
18 mixed Black GIRLFRIENDS looking for FUN - 21". The advertisement
19 contained photographs of MF and HORTON together, as well as individually.
20 The advertisement contained two contact numbers, Horton's telephone number,
21 760-[REDACTED] 8708, and MF's telephone number, 760-[REDACTED] 1630. The location listed
22 was Irvine, Orange County. The email address associated with the Backpage
23 account used to post the advertisement was jazzyjbh@yahoo.com.
24

25
26 9. Backpage advertisement Post ID 16912267 dated August 19, 2014 from the
27 San Diego Escorts section included the following title, "Three exotic goddesses -
28 23". The advertisement contained photographs of MF and two other females. The
29

1 contact number in the advertisement was MF's telephone number, 760-██████████1630.
2 The location listed was North San Diego County. The email address associated
3 with the Backpage account used to post the advertisement was
4 jazzyjbh@yahoo.com.

5
6 10. Backpage advertisement Post ID 44888116 dated September 6, 2014 from
7 the Orange County Escorts section included the following title, "Mixed Black,
8 Hawaiian and Asian looking to please you!!!! - 22". The advertisement contained
9 photographs of MF. The contact number in the advertisement was MF's telephone
10 number, 760-██████████1630. The location listed was Irvine. The email address
11 associated with the Backpage account used to post the advertisement was
12 jazzyjbh@yahoo.com.

13
14
15 11. The Federal Bureau of Prisons (BOP) provided recordings of two telephone
16 calls made from a BOP inmate to an unidentified male (UM) at telephone number
17 760-696-7521. During a call on August 19, 2014, the UM told the inmate that he
18 had been in the Los Angeles area the other day. The UM told the inmate "I aint
19 goin hard like I used to, but I'm gettin it". The UM later made the statement
20 "Forty toes to the pavement". I know from training and experience and the
21 training and experience of others that "40 toes" means that the UM has four girls
22 working as prostitutes for him. The UM tells the inmate that he's currently
23 driving in the car with two of his "bitches". I know from training and experience
24 and the training and experience of others that "bitches" is a term commonly used
25 by pimps to refer to their girls working as prostitutes. The inmate asked to speak
26 with one of the females, and the UM told the inmate that he couldn't because
27 they were on the phone handling his (UM's) "business" and were on calls.
28
29

1 Based upon my training and experience, I believe the UM is telling the inmate
2 that he is working as a pimp and has four females working as prostitutes for him.
3 I believe that the UM told the inmate that he currently had two of the females in
4 the car with him, and that they were on the phone attempting to arrange
5 prostitution dates.

6
7 12. The FBI served a subpoena on Sprint requesting subscriber information and
8 connection records for telephone number 760-████-7521. Sprint reported that
9 telephone number 760-████-7521 was subscribed to by Hugh Bess from May 3,
10 2014 to September 19, 2014. MF identified Bess as RAY's mother's husband.
11 The connection records provided by Sprint revealed that between July 29, 2014
12 and September 9, 2014, telephone number 760-████-7521 had numerous contacts
13 with MF's phone, telephone number 760-████-1630, including contacts on July 29,
14 2014, August 19, 2014, and September 6, 2014, the dates of the advertisements
15 described above that contained photographs of MF. The connection records also
16 revealed that telephone number 760-████-7521 had numerous contacts with
17 Horton's phone, telephone number 760-████-8708, between May 19, 2014 and
18 September 10, 2014, including contacts on July 29, 2014, August 19, 2014, and
19 September 6, 2014.
20
21

22
23 13. The FBI served a subpoena on AT&T requesting subscriber information and
24 connection records for telephone number 760-████-8708. AT&T reported that
25 telephone number 760-████-8708 was subscribed to by Jasmine Horton from
26 September 7, 2010 to the present. AT&T reported that the home email address
27 associated with the account is jazzyjbh@yahoo.com. The connection records
28 provided by AT&T revealed that between July 29, 2014 and September 13, 2014,
29

1 telephone number 760-████-8708 had numerous contacts with MF's phone,
2 telephone number 760-████-1630, including one contact each on July 29, 2014, and
3 September 6, 2014.

4
5 14. The FBI served a subpoena on Verizon requesting subscriber information
6 and connection records for telephone number 760-████-1630. Verizon reported
7 that effective July 29, 2014, telephone number 760-████-1630 was subscribed to by
8 an alias name used by MF. Verizon reported that telephone number 760-████-8708
9 was listed as an alternate number associated with the account.

10
11
12 15. Records checks conducted on RAY revealed that in March of 2007, RAY
13 plead guilty in United States District Court for the Central District of California to
14 two counts of an indictment each charging a violation of Title 18, United States
15 Code § 1591 (a) (1) [sex trafficking of a minor]. RAY was sentenced to 100
16 months confinement, and according to BOP records, RAY was released from
17 custody on May 30, 2014.

18
19
20 16. On February 9, 2015, a federal arrest warrant was issued for HORTON in
21 United States District Court for the Southern District of California, based upon a
22 complaint charging her with violation of Title 18, United States Code § 1591 [sex
23 trafficking of children or by force, fraud or coercion]. HORTON was arrested on
24 February 11, 2015, and was subsequently interviewed. HORTON admitted to
25 facilitating prostitution activity with RAY, including activity involving MF.
26 HORTON stated that her email address was jazzyjbh@yahoo.com, and that she
27 had used the email address to post escort advertisements on Backpage, including
28 advertisements that contained photographs of MF. HORTON also stated that she
29

1 received emails from prostitution customers at the email address
2 jazzyjbh@yahoo.com. Horton stated that she knew of two email addresses used
3 by RAY, lutherray5@gmail.com, and lutherray9@gmail.com. HORTON stated
4 that on one occasion she forwarded a customer email to RAY at one of these email
5 addresses.

6
7 17. On February 9, 2015, a federal arrest warrant was issued for RAY in United
8 States District Court for the Southern District of California, based upon a
9 complaint charging him with violation of Title 18, United States Code § 1591 [sex
10 trafficking of children or by force, fraud or coercion]. RAY was arrested on
11 February 11, 2015, and was subsequently interviewed. RAY stated that his email
12 address is lutherray5@gmail.com.

13
14
15 18. On February 11, 2015, a search and seizure warrant issued in United States
16 District Court for the Central District of California was executed at an apartment
17 in Hemet, CA used by RAY and HORTON. A piece of paper was seized pursuant
18 to the warrant that had the email address rayluther9@gmail.com hand written on
19 it.

20
21
22 19. Based on my training and experience, I know people involved in
23 prostitution use email as a tool for their illegal business. Email addresses are often
24 required to establish accounts with classified advertisement websites such as
25 Backpage and Craigslist. Email addresses are sometimes used as contact methods
26 in on-line prostitution advertisements, and as a result, email is sometimes used to
27 communicate with customers. Email addresses are sometimes used by people
28 involved in prostitution to communicate about their crimes and whereabouts, and
29

1 to make travel arrangements in and out of state, to rent hotel rooms to be used for
2 prostitution, and to transmit pictures for prostitution advertisements. Email can
3 also be used to communicate with their pimps.

4 **PRIOR ATTEMPTS TO OBTAIN DATA**

5 20. The United States has not attempted to obtain this data by other means.

6 **GENUINE RISKS OF DESTRUCTION**

7 21. Based upon my experience and training, and the experience and training of
8 other agents with whom I have communicated, electronically stored data can be
9 permanently deleted or modified by users possessing basic computer skills. In this
10 case, only if the subject receives advance warning of the execution of this warrant,
11 will there be a genuine risk of destruction of evidence.
12

13 **EMAIL PROVIDER**

14
15 22. Google is a company, which, among other things, provides electronic
16 communication services to its subscribers as Google. Google electronic mail
17 service allows Google subscribers to communicate with other electronic mail
18 subscribers through the Internet. Google subscribers access Google's services
19 through the Internet.
20

21 23. Subscribers to Google use screen names during communications with
22 others. The screen names may or may not identify the real name of the person
23 using a particular screen name. Although Google requires users to subscribe for a
24 free Google account, Google does not verify the information provided by the
25 subscriber for its free services.
26
27
28
29

1 24. At the creation of a Google account and for each subsequent access to the
2 account, Google logs the Internet Protocol ("IP") address of the computer
3 accessing the account. An IP address is a unique address through which a
4 computer connects to the Internet. IP addresses are leased to businesses and
5 individuals by Internet Service Providers. Obtaining the IP addresses that have
6 accessed a particular Google account often identifies the Internet Service Provider
7 that owns and has leased that address to its customer. Subscriber information for
8 that customer then can be obtained using appropriate legal process.

9
10 **PROCEDURES FOR ELECTRONICALLY STORED INFORMATION**

11
12 25. Federal agents and investigative support personnel are trained and
13 experienced in identifying communications relevant to the crimes under
14 investigation. The personnel of Google are not. It would be inappropriate and
15 impractical for federal agents to search the vast computer network of Google for
16 the relevant accounts and then to analyze the contents of those accounts on the
17 premises of Google. The impact on Google's business would be severe.

18
19 26. Therefore, I request authority to seize all content, including electronic mail
20 and attachments, stored instant messages, stored voice messages, photographs and
21 any other content from the Google accounts, as described in Attachment B. In
22 order to accomplish the objective of the search warrant with a minimum of
23 interference with the business activities of Google, to protect the rights of the
24 subject of the investigation and to effectively pursue this investigation, authority is
25 sought to allow Google to make a digital copy of the entire contents of the
26 accounts subject to seizure. That copy will be provided to me or to any authorized
27 federal agent. The copy will be forensically imaged and the image will then be
28
29

1 analyzed to identify communications and other data subject to seizure pursuant to
2 Attachment B. Relevant data will be copied to separate media. The original
3 media will be sealed and maintained to establish authenticity, if necessary.
4


5 27. Analyzing the data to be provided by Google may require special technical
6 skills, equipment and software. It also can be very time-consuming. Searching by
7 keywords, for example, often yields many thousands of "hits," each of which must
8 be reviewed in its context by the examiner to determine whether the data is within
9 the scope of the warrant. Merely finding a relevant "hit" does not end the review
10 process. Certain file formats do not lend themselves to keyword searches.
11 Keywords search text. Many common electronic mail, database and spreadsheet
12 applications, which files may have been attached to electronic mail, do not store
13 data as searchable text. The data is saved in a proprietary non-text format. And, as
14 the volume of storage allotted by service providers increases, the time it takes to
15 properly analyze recovered data increases dramatically.
16
17

18 28. Based on the foregoing, searching the recovered data for the information
19 subject to seizure pursuant to this warrant may require a range of data analysis
20 techniques and may take weeks or even months. Keywords need to be modified
21 continuously based upon the results obtained. The personnel conducting the
22 examination will complete the analysis within ninety (90) days of receipt of the
23 data from the service provider, absent further application to this court.
24
25

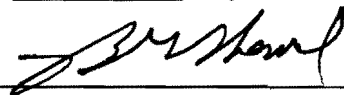
26 29. Based upon my experience and training, and the experience and training of
27 other agents with whom I have communicated, it is necessary to review and seize
28 all electronic mails that identify any users of the subject account(s) and any
29

1 electronic mails sent or received in temporal proximity to incriminating electronic
2 mails that provide context to the incriminating mails.

3
4 30. All forensic analysis of the imaged data will employ search protocols
5 directed exclusively to the identification and extraction of data within the scope of
6 this warrant.

7
8
9
10 
11 Eric A. Parsons, Special Agent, FBI

12 Subscribed and sworn to before me
13 this 24 day of February, 2015.

14 
15 _____
16 United States Magistrate Judge

ATTACHMENT A
PREMISE TO BE SEARCHED

The premise to be search includes data located at Google Inc., 1600 Amphitheatre Parkway, Mountain View, California 94043 and other locations where data relating to requested user accounts may be stored.

ATTACHMENT B

I. Service of Warrant

The officer executing the warrant shall permit Google, Inc., as custodian of the computer files described in Section II below, to locate the files and copy them onto removable electronic storage media and deliver the same to the officer.

II. Items subject to seizure

All subscriber and/or user information, all electronic mail, images, text messages, histories, buddy lists, profiles, method of payment, detailed billing records, access logs, transactional data and any other files associated with the following accounts and screen names from **May 30, 2014 to February 11, 2015**:

lutherray5@gmail.com, lutherray9@gmail.com, and rayluther9@gmail.com

The search of the data supplied by Google, Inc. pursuant to this warrant will be conducted as provided in the "Procedures For Electronically Stored Information" of the incorporated affidavit submitted as an attachment to the affidavit submitted in support of this search warrant and will be limited to seizing electronic mail and attachments that are evidence of 18 U.S.C. §§1591:

- a. Electronic communications and attachments advertising, offering, and/or soliciting to engage in sexual acts with another person in exchange for money or anything of value, including myredbook.com receipts, backpage.com receipts or other websites used to post prostitution ads.
- b. Electronic communications and attachments offering, arranging, advertising, inducing, procuring or facilitating a person to engage in commercial sex acts as defined by 18 U.S.C. §1591(e)(3).
- c. Electronic communications and attachments which reference prostitution or pimping.
- d. Electronic mail, blog communications and attachments related to the identities of any co-conspirators.
- e. Electronic mail, blog communications and attachments that provide context to any electronic mail reflecting the criminal activity described in this warrant including any electronic mail sent or received in

temporal proximity to any relevant electronic mail and any electronic mail that identifies any users of the subject account.